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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,649	12/16/2003	Toshihiko Suzuki	03500.017790	3535
5514 7590 01/11/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER CHIO, TAT CHI	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/735,649	Applicant(s) SUZUKI, TOSHIHIKO	
	Examiner Tat Chi Chio	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-13,15-17 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-13,15-17 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 4, 6-13, 15-17, and 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 6, 7, 9-13, 15-16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai (5,949,955) in view of Aotake et al. (5,687,160).

**Consider claim 1**, Nakai teaches a reproducing apparatus comprising:

- reproducing means for reproducing image data of a plurality of contents from a recording medium and writing the reproduced image data in a memory (30 of Fig. 1 and col. 35, lines 35-43);
- displaying means for displaying a plurality of representative images of the plurality of contents on the same screen (6 of Fig. 1 and Fig. 60 A);
- selecting means for selecting a desired representative image from among the plurality of representative images displayed on the same screen (5 of Fig. 5);

- reproduction processing means for reading out the image data stored in the memory and outputting the image data as reproduced image data (56, 58, 60, 62, and 64 of Fig. 1); and

However, Nakai does not explicitly teach reproduction instruction means for instructing reproduction start of the contents independently of a selecting operation by the selecting means;

Aotake et al. teach reproduction instruction means for instructing reproduction start of the contents independently of a selecting operation by the selecting means (col. 16, lines 29-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the automatic reproduction feature into the apparatus so that the user does not have to start the reproduction manually.

Nakai and Aotake et al. teach controlling means for controlling the reproducing means and the reproduction processing means in response to the selecting operation by the selecting means so that the reproducing means reproduces part of the image data of the contents concerning the selected representative image and writes the part of the image data in the memory and the reproduction processing means does not effect reading out the written part of the image data from the memory, the controlling means further controlling the reproduction processing means in response to the reproduction start instruction by the reproduction instruction means so that the reproduction processing means starts readout of the part of the image data from the memory, wherein the image

data includes a plurality of clips each showing series of moving images, and each of the plurality of contents includes the plurality of clip belonging to the same group (50 of Fig. 1, Fig. 5, col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, Fig. 64, and Fig. 60 A-B of Nakai and col. 16, lines 29-41 of Aotake et al., since the menu still picture is reproduced automatically, the reproduction processing means does not effect reading out the written part of the image.).

**Consider claim 2**, Nakai teaches an apparatus, wherein the image data includes a plurality of clips each showing series of moving images, and each of the plurality of contents includes each one of the clips (Fig. 60A-B).

**Consider claim 4**, Nakai teaches an apparatus, wherein the displaying means generates a plurality of display hierarchies including the contents different from one another, and switches the representative image to be displayed, between the display hierarchies (Fig. 60A-B).

**Consider claim 6**, Nakai teaches an apparatus, wherein the controlling means controls the reproducing means in response to the switching among the display hierarchies displayed by the displaying means so that the reproducing means reproduces part of the image data of the content selected from among the plurality of contents of the display hierarchy newly displayed (col. 33, lines 26-62).

**Consider claim 7**, Nakai teaches an apparatus, wherein the controlling means further controls the reproducing means in response to the reproduction start instruction so that the reproducing means starts the data reproduction of the data from the part of

the image data in the selected contents and writes the data from the part of the image data in the memory (col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, and Fig. 64).

**Consider claim 9**, Nakai and Aotake et al. teach a reproducing apparatus comprising:

- reproducing means for reproducing image data of a plurality of contents from a recording medium and writing the reproduced image data in a memory (30 of Fig. 1 and col. 35, lines 35-43 of Nakai);
- displaying means for displaying a menu screen including a plurality of representative images of the plurality of contents on a display apparatus (6 of Fig. 1 and Fig. 60 A of Nakai);
- selecting means for selecting a desired representative image from among in the plurality of representative images displayed on the menu screen (5 of Fig. 5 of Nakai);
- reproduction instruction means for instructing reproduction start of the contents independently of a selecting operation by the selecting means (col. 16, lines 29-41 of Aotake et al.);
- reproduction processing means for reading out the image data stored in the memory and outputting the image data as reproduced image data (56, 58, 60, 62, and 64 of Fig. 1 of Nakai); and
- controlling means for controlling the reproducing means when the menu screen is being displayed by the display means so that the reproducing means reproduces part of image data of the contents concerning each of

the plurality of representative images displayed on the menu screen and writes the part of each image data in the memory, the controlling means further controlling the reproduction processing means in response to the reproduction start instruction by the reproduction instruction means so that the reproduction processing means reads out and outputs the image data of the contents concerning the selected representative images among the image data stored in the memory (50 of Fig. 1, col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, Fig. 64, and Fig. 60 A-B of Nakai).

**Consider claim 10**, Nakai teaches an apparatus, wherein the displaying means displays the representative image in response to a display instruction of the representative image, and the controlling means controls the reproducing means in response to the display instruction of the representative picture so that the reproducing means reproduces the part of each image data of the contents concerning the plurality of representative images displayed on the same screen by the displaying means and writes the part of each image data in the memory (col. 30, lines 24-67).

**Consider claim 11**, Nakai teaches an apparatus, wherein the image data includes a plurality of clips each showing series of moving images, and each of the plurality of contents includes one of the clips (Fig. 60A-B).

**Consider claim 12**, Nakai teaches an apparatus, wherein the image data includes a plurality of clips each showing series of moving images, and each of the plurality of contents includes the plurality of clips belonging to of the same group (Fig. 60A-B).

**Consider claim 13**, Nakai teaches an apparatus, wherein the displaying means generates a plurality of display hierarchies including the contents different from one another, and switches the representative image to be displayed, between the display hierarchies (Fig. 60A-B).

**Consider claim 15**, Nakai teaches an apparatus, wherein the controlling means controls the reproducing means in response to the switching of the menu screen so that the reproducing means reproduces a predetermined amount of the image data from the head of the each of the plurality of contents corresponding respectively to the plurality of representative images displayed on a post-switching menu screen (col. 33, lines 26-62).

**Consider claim 16**, Nakai teaches an apparatus, wherein the controlling means further controls the reproducing means in response to the reproduction start instruction so that the reproducing means starts the data reproduction of the data from the part of the image data in the selected contents and writes the data from the part of the image data in the memory (col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, and Fig. 64).

**Consider claim 22**, Nakai and Aotake teach a reproducing apparatus comprising:

- reproducing means for reproducing image data from a recording medium and writing the reproduced image data in a memory (30 of Fig. 1 and col. 35, lines 35-43 of Nakai);
- displaying means for displaying a menu screen including a plurality of representative images concerning a plurality of predetermined



reproduction start positions in the image data recorded on the recording medium on a display apparatus (6 of Fig. 1 and Fig. 60 A-B of Nakai);

- selecting means for selecting a desired representative image from among the plurality of representative images displayed in the menu screen (5 of Fig. 5 and col. 33, lines 26-62 of Nakai);
- reproduction instruction means for instructing start of reproduction of the image data independently of a selecting operation by the selecting means (col. 16, lines 29-41 of Aotake et al.);
- reproduction processing means for reading out the image data stored in the memory and outputting the image data as reproduced image data (56, 58, 60, 62, and 64 of Fig. 1 of Nakai); and
- controlling means for controlling the reproducing means when the menu screen is being displayed by the displaying means so that the reproducing means reproduces the image data of a predetermined amount from each of the plurality of predetermined reproduction start positions and writes the image data of the predetermined amount in the memory, the controlling means further controlling the reproduction processing means in response to the reproduction start instruction by the reproduction instruction means so that the reproduction processing means starts to read out the stored image data at the reproduction start position corresponding to the selected representative image from among the image data stored in the memory

(50 of Fig. 1, col. 34, lines 66-col. 35, lines 56, Fig. 62, Fig. 63, Fig. 64, and Fig. 60 A-B of Nakai).

4. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai (5,949,955) in view of Aotake et al. (5,687,160) as applied to claims 1 and 9 above, and further in view of Nitta et al. (5,751,887).

**Consider claim 8**, Nakai teaches all the limitations in claim 1 but fails to explicitly teach an apparatus, wherein the controlling means controls the reproducing means in response to the selecting operation by the selecting means so that the reproducing means reproduces the image data according to an amount of data of the memory from a front end of the selected contents and writes the image data in the memory.

Nitta et al. teach an apparatus, wherein the controlling means controls the reproducing means in response to the selecting operation by the selecting means so that the reproducing means reproduces the image data according to an amount of data of the memory from a front end of the selected contents and writes the image data in the memory (col. 2, lines 18-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a ring buffer memory and a ring buffer controller into the reproducing apparatus to regulate the flow of frame data input and output to the ring buffer memory to prevent overflow in the ring buffer memory.

**Consider claim 17**, Nitta et al. further teach an apparatus, wherein the controlling means controls the reproducing means so that the reproducing means

reproduces the image data of a predetermined amount which is decided on the basis of data capacity of the memory and the number of screens of the representative screen displayed on the same screen, from a front end of the contents concerning the plurality of representative images respectively and stores the image data of the predetermined amount in the memory (col. 2, lines 18-48).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tat Chi Chio whose telephone number is (571) 272-9563. The examiner can normally be reached on Monday - Thursday 8:30 AM-6:00 PM EST.

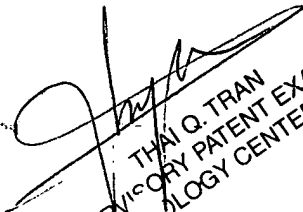
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TCC

  
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